

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: 8/26/2020

Benthos Master Fund, Ltd.,

Petitioner,

—v—

Aaron Etra,

Respondent.

20-cv-3384 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

The Court thanks Petitioner for its August 25, 2020, letter alerting the Court to Respondent's attempt to file an opposition to Petitioner's request to lift the automatic Rule 62(a) stay in this case. Respondent's opposition was sent by email to an incorrect email address and was not received by the Court. Respondent is reminded that, pursuant to Rule 1.A. of this Court's Individual Practices in Civil Cases, communications with the Court shall be by letter filed on ECF. Pro se litigants who are not registered ECF filers may submit documents by regular mail or by email to [Temporary\\_Pro\\_Se\\_Filing@nysd.uscourts.gov](mailto:Temporary_Pro_Se_Filing@nysd.uscourts.gov). The Court expects Respondent, who is a member of the New York State Bar in good standing, to properly address his filings to this Court.

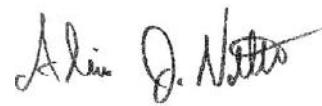
The Court's prior Order granting Petitioner's request to lift the automatic stay treated the request as unopposed. It is now clear that Respondent attempted to file an opposition. The Court therefore VACATES its Order of August 24, 2020 (Dkt. No. 19).

The Court will now consider the merits of Petitioner's request in light of the filings. Upon consideration of Petitioner's request and Respondent's opposition, the Court finds that lifting the automatic Rule 62(a) stay is warranted. As noted in the final arbitration award, Respondent has displayed a pattern of recalcitrance in his dealings with Petitioner, even in the face of a court order. *See* Dkt. No. 1-1, ¶¶ 45–46, 48, 70. Moreover, Respondent's refusal to meaningfully participate in the arbitration proceedings or this litigation suggests that he is unlikely to be prejudiced by an order lifting the stay. He does not contest Petitioner's contention that he has neither the ability nor intention to post a bond pending appeal. Accordingly,

Petitioner's request to lift the automatic Rule 62(a) stay (Dkt. No. 17) is GRANTED.

SO ORDERED.

Dated: August 26, 2020  
New York, New York



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ALISON J. NATHAN  
United States District Judge